

Regular Meeting – P.M.

December 19, 2005

A Regular Meeting of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Monday, December 19, 2005.

Council members in attendance: Mayor Sharon Shepherd, Councillors A.F. Blanleil, C.B. Day, B.D. Given, R.D. Hobson, N.J. Letnick and M.J. Rule.

Council members absent: Councillors B.A. Clark and C.M. Gran.

Staff members in attendance were: City Manager, R.A. Born; Deputy City Clerk, S.C. Fleming; Director of Planning & Corporate Services, R.L. Mattiussi\*; Subdivision Approving Officer, R.G. Shaughnessy\*; Manager of Strategic Planning, Policy & Research, S.K. Bagh\*; Planner-Long Range, G.L. Stephen\*; Planner, Development Services, R. Smith\*; Manager of Community Development & Real Estate, D.L. Shipclark\*; Community Planning Manager, T. Eichler\*; Director of Financial Services, P.A. Macklem\*; Financial Planning Manager, K. Grayston\*; Director of Recreation, Parks & Cultural Services, D.L. Graham\*; Development Manager, Recreation, Parks & Cultural Services, R. Oddleifson\*; Sport & Recreation Manager, J. Gabriel\*; Parks Manager, J. Creron\*; Electrical Utility Manager, R. Carle\*; Wastewater Manager, W.J. Berry\*; Transportation Manager, R.W. Westlake\*; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 1:32 p.m.

2. Councillor Blanleil was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Dr. Sharon McCoubrey, Chair of Lake Country Public Art Commission re: Announcement of a Gift of Sculpture from Lake Country to mark Kelowna's 100<sup>th</sup> Anniversary

Dr. Sharon McCoubrey, Chair, Lake Country Public Art Commission:

- Announced that the District of Country's Public Art Commission will be presenting Kelowna with an outdoor sculpture to mark Kelowna's Centennial.
- The sculpture is by a Lake Country artist and is a generic human figure with outstretched arms to indicate a welcoming or embracing gesture, symbolizing friendship.
- The art will be installed and unveiled in Waterfront Park in the spring of next year.

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4. UNFINISHED BUSINESS

- 4.1 Director of Planning & Corporate Services, dated December 16, 2005 re: St. Paul Street Supportive Housing Project – Premier’s Task Force (0360-20)

Moved by Councillor Hobson/Seconded by Councillor Given

THAT Council receive the report dated December 16, 2005 from the Director of Planning & Corporate Services outlining refined guiding principles and recommending that the Site Review Committee be made up of the following members:

1. City of Kelowna staff
2. B.C. Housing
3. Interior Health-Mental Health representative
4. Interior Health- Addictions representative
5. DKA representative
6. Chamber of Commerce representative
7. Residents Associations-Downtown Area (North End or KSAN)
8. Residents Association-Other Town Centre
9. Homelessness Steering Committee
10. Other Social Agency
11. Citizen at Large;

AND THAT the committee also include a representative from the Rutland and South Pandosy Town Centres.

Amendment Moved by Councillor Blanleil/Seconded by Councillor Hobson

**R1235/05/12/19** THAT the Site Review Committee also include a representative from the St. Paul Business Association.

**Defeated**

Councillors Day, Given, Hobson, Letnick and Rule opposed.

Amendment Moved by Councillor Letnick/Seconded by Councillor Blanleil

**R1236/05/12/19** THAT guiding principle No. 3 in the Director of Planning & Corporate Services’ report of December 16, 2005 be amended to delete “based on the requirements of the service model” from the end of the sentence.

**Defeated**

Mayor Shepherd and Councillors Day, Given, Hobson and Rule opposed.

Council:

- Agreed that the committee also include a representative from the Rutland and South Pandosy Town Centres.

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The original motion was then voted on and carried as follows:

Moved by Councillor Hobson/Seconded by Councillor Given

**R1237/05/12/19** THAT Council receive the report dated December 16, 2005 from the Director of Planning & Corporate Services outlining refined guiding principles and recommending that the Site Review Committee be made up of the following members:

1. City of Kelowna staff
2. B.C. Housing
3. Interior Health-Mental Health representative
4. Interior Health-Addictions representative
5. DKA representative
6. Chamber of Commerce representative
7. Residents Associations-Downtown Area (North End or KSAN)
8. Residents Association-Other Town Centre
9. Homelessness Steering Committee
10. Other Social Agency
11. Citizen at Large;

AND THAT the committee also include a representative from the Rutland and South Pandosy Town Centres.

Carried

Councillor Blanleil opposed.

5. **DEVELOPMENT APPLICATION REPORTS**

- 5.1 Planning & Corporate Services Department dated December 14, 2005 re: Development Permit Application No. DP05-0191 – Summerfield Lands Ltd. (Water Street Architecture) – 1350 & 1370 Ridgeway Drive

Staff:

- The applicant is proposing to construct 130 units of multi-family housing in two 4-storey buildings.

Moved by Councillor Letnick/Seconded by Councillor Hobson

**R1238/05/12/19** THAT Council hear from the developer.

Carried

Ken Webster, Summerfield Lands:

- This is the last phase of the Summerfield Green project. The 13 acres site has been developed comprehensively and the people who moved into the area knew what was going to be built on the land because there was a model to show the overall development. The purchasers were also made aware of the future North End Connector (now referred to as the Central Okanagan Connector).
- One of the benefits of what is proposed with this phase is the buffering of the neighbouring development.
- The buildings have been stepped down adjacent to existing development as much as possible over the whole site.
- They were required to give up 3 acres and did the best they could on the remaining 10 acres.

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**R1239/05/12/19** THAT Council authorize the issuance of Development Permit No. DP05-0191 for Lot 5, Sections 20 and 29, Township 26, ODYD Plan KAP60338 and Lot 6, Sections 20 and 29, Township 26, ODYD Plan KAP60338, located on Ridgeway Drive, Kelowna, B.C. subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper.

Carried

5.2 OCP05-0011 and Rezoning Application No. Z05-0037 – Aberdeen Holdings Ltd. (Water Street Architecture) – 1102 Cameron Avenue and 1091 Guisachan Road (BL9537; BL9438)

- (a) Planning & Corporate Services Department report dated December 5, 2005

Staff:

- The property is currently vacant and is next to the Guisachan Heritage Park.
- The applicant is proposing to develop 206 units of apartment housing in three 4-storey buildings.
- Concerns regarding the proposed OCP amendment and RM5 zoning have been addressed by the applicant through the provision of some park and open space as required by the OCP and by agreeing to a housing agreement which would designate 10% of the 206 units (half the increase in density resulting from the rezoning) as affordable housing.
- The Advisory Planning Commission recommends non-support. Planning Department staff agreed to recommend support because of the additional park land (which the City would purchase) and the affordable housing that would be achieved.

Council:

- Requested responses to the following at the Public Hearing for this application:
  - Does the KLO Sector Plan make reference to the height of development as it relates to the adjacent Guisachan Heritage?
  - How close can the roadway for the emergency egress get to the row of heritage trees without impacting them?
  - Confirmation from City Transportation staff that parking will be adequate.

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Moved by Councillor Letnick/Seconded by Councillor Given

**R1240/05/12/19** THAT OCP Bylaw Amendment No. OCP05-0011 to amend Map 19.1 of the *Kelowna 2020 - Official Community Plan* Bylaw No. 7600 by changing the Future Land Use designation on parts of Lot 19, District Lot 136, ODYD Plan 38928 and Lot 18, District Lot 136, ODYD Plan 38928, located on Cameron Avenue and Guisachan Road, Kelowna, B.C., from the Multiple Unit Residential – Low Density designation to the Multiple Unit Residential - Medium Density designation, as shown on Map “A” attached to the report of Planning & Corporate Services Department dated December 5, 2005, be considered by Council;

AND THAT Rezoning Application No. Z05-0037 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 19, District Lot 136, ODYD Plan 38928 and Lot 18, District Lot 136, ODYD Plan 38928, located on Cameron Avenue and Guisachan Road, Kelowna, B.C. from the RM3 – Low Density Multiple Housing zone to the RM5 – Medium Density Multiple Housing zone and P3 – Parks and Open Space zone as shown on Map “B” attached to the report of Planning & Corporate Services Department dated December 5, 2005 be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP05-0011 and zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Variance Permit on the subject property;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the applicant entering into a Housing Agreement with the City of Kelowna designating 10% of the development for affordable housing.

Carried

Mayor Shepherd and Councillor Hobson opposed

(b) **BYLAWS PRESENTED FOR FIRST READING**

- (i) Bylaw No. 9537 (OCP05-0011) – Aberdeen Holdings Ltd. (Water Street Architecture) – 1102 Cameron Avenue and 1091 Guisachan Road **requires majority vote of Council (5)**

Moved by Councillor Given/Seconded by Councillor Letnick

**R1241/05/12/19** THAT Bylaw No. 9537 be read a first time;

AND THAT the bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

Carried

Mayor Shepherd and Councillor Hobson opposed.

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- 5.2 (b) (ii) Bylaw No. 9538 (Z05-0037) – Aberdeen Holdings Ltd. (Water Street Architecture) – 1102 Cameron Avenue and 1091 Guisachan Road

Moved by Councillor Given/Seconded by Councillor Letnick

**R1242/05/12/19** THAT Bylaw No. 9538 be read a first time.

Carried

Mayor Shepherd and Councillor Hobson opposed.

- 5.3 Rutland Height and Massing Study (BL9533 – OCP05-0018; BL9534 – TA05-0011)

- (a) Planning & Corporate Services Department report dated December 14, 2005

Staff:

- The proposed bylaw amendments are intended to allow for taller buildings in the Rutland Town Centre.
- The owner of the property on the corner of Highway 33 and Hollywood has asked that his property be included in the proposed C7 area. It was initially include within the C7 boundary but was deleted because of opposition from adjacent development concerned about the shadowing effect and lost view.

Council:

- Agreed to include the property on the corner of Highway 33 and Hollywood within the proposed C7 boundary for the Public Hearing.

Moved by Councillor Blanleil/Seconded by Councillor Day

**R1243/05/12/19** THAT the map showing the proposed boundary of the C7 zoned area in the Rutland Town Centre be amended to also include the property at the southeast corner of Highway 33 and Hollywood Road.

Carried

Moved by Councillor Given/Seconded by Councillor Letnick

**R1244/05/12/19** THAT Council receive the Planning and Corporate Services report of December 14, 2005 outlining proposed OCP and Zoning Bylaw amendments required to implement the recommendations of the Rutland Height and Massing Study;

AND THAT OCP Amending Bylaw No. 9533 be given first reading and be forwarded to public hearing;

AND FURTHER THAT Zone Amending Bylaw No. 9534 be given first reading and be forwarded public hearing.

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(b) **BYLAWS PRESENTED FOR FIRST READING**

- (i) Bylaw No. 9533 (OCP05-0018) – City of Kelowna

Moved by Councillor Day/Seconded by Councillor Rule

**R1245/05/12/19** THAT Bylaw No. 9533 be read a first time;

AND THAT the bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

Carried

- (ii) Bylaw No. 9534 (TA05-0011) – City of Kelowna

Moved by Councillor Day/Seconded by Councillor Rule

**R1246/05/12/19** THAT Bylaw No. 9534 be read a first time.

Carried

- 5.4 Planning & Corporate Services Department, dated December 14, 2005 re: C7 Design Guidelines (6530-18)

Withdrawn from the agenda.

6. **NON-DEVELOPMENT APPLICATION REPORTS**

- 6.1 Planning & Corporate Services Department, dated December 9, 2005 re: Appointment of Community Heritage Commission Member (6800-02)

Moved by Councillor Letnick/Seconded by Councillor Given

**R1247/05/12/19** THAT Council appoint Doug Flintoft as the Okanagan Historical Society member of the Community Heritage Commission for a three year term ending in December 2008.

Carried

- 6.2 City Manager re: 2006 Financial Plan (1700-20)

Moved by Councillor Day/Seconded by Councillor Rule

**R1248/05/12/19** THAT the verbal overview of highlights of the 2006 Financial Plan be received for information.

Carried

- 6.3 Sport and Recreation Manager, dated December 13, 2005 re: Kelowna Apple Triathlon Funding Request (1851-20)

Moved by Councillor Hobson/Seconded by Councillor Given

**R1249/05/12/19** THAT City Council approve a grant of \$5,576.15 for the Kelowna Apple Triathlon Society in hosting the 2005 Kelowna Apple Triathlon;

AND THAT the funds be appropriated from 2005 Council Contingency.

Carried

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- 6.4 Sport and Recreation Manager, dated December 13, 2005 re: Sports Event Development Grant (8100-20)

Moved by Councillor Given/Seconded by Councillor Hobson

**R1250/05/12/19** THAT City Council approve \$2,000 from the Sports Event Development Grant as support towards the 2006 Masters Provincial Swim Championship hosted by the Okanagan Masters Swim Association from April 21-23, 2006;

AND THAT City Council approve \$2,000 from the Sports Event Development Grant as support towards the 2006 Ringette Canada AGM co-hosted by the Kelowna Ringette Association and Ringette BC from June 9-12, 2006;

AND THAT City Council approve \$3,000 from the Sports Event Development Grant as support towards the 2006 Western Canadian Bantam Hockey Championships hosted by the Kelowna Minor Hockey Association from March 30 - April 3, 2006;

AND FURTHER THAT City Council approve \$2,000 from the Sports Event Development Grant as support towards the 2006 Senior Men's and Women's Provincial Curling Championships hosted by the Kelowna Curling Club from February 21-26, 2006.

Carried

- 6.5 Development Manager, Recreation, Parks & Cultural Services, dated December 12, 2005 re: UBCM Grant – Community Tourism Program for Festivals Kelowna (1853-20)

Moved by Councillor Given/Seconded by Councillor Hobson

**R1251/05/12/19** THAT City Council authorize a grant application to the UBCM for the Community Tourism Program for Festivals Kelowna in the amount of \$180,295.63;

AND THAT City Council support the formation of the *Festivals Kelowna Society*;

AND FURTHER THAT Council consider the additional financial requirements to establish and implement the *Festivals Kelowna Society* in the 2006 Financial Plan.

Carried

- 6.6 Parks Manager, dated December 12, 2005 re: Knowles Park Laneway (6140-20)

Moved by Councillor Given/Seconded by Councillor Blanleil

**R1252/05/12/19** THAT the temporary lane closure between Richter and Ethel Streets through Knowles Park be ended and lane access be reopened through the park on a temporary basis;

AND THAT by the Spring of 2006, the lane be re-aligned at the east end so that it connects with Lawrence Avenue instead of Ethel Street as indicated on Enclosure I attached to the Parks Manager's report of December 12, 2005;

AND FURTHER THAT the realignment of the lane be implemented through the normal budgetary process.

Carried



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- 6.7 Electrical Manager, dated December 13, 2005 re: Electrical Utility Rates  
(BL9542)

Moved by Councillor Blanleil/Seconded by Councillor Rule

**R1253/05/12/19** THAT Council approve a rate increase of **5.9%** to the City's electrical utility rates for all annual residential customer revenues, municipal and school customer revenues and commercial customer revenues;

AND THAT the approved changes are for consumption that would appear on the Cycle 1 billing in March 2006.

Carried

Councillor Letnick opposed.

A motion moved by Councillor Letnick asking Council to direct staff to report back on the concept of instituting a capital investment fee against new developments to pay for any expansion/upgrading of the City's electrical utility transmission and distribution system was lost for lack of a seconder.

- 6.8 Wastewater Manager, dated December 13, 2005 re: 2006 Sewer Rates  
(BL9543; 1824-02)

Moved by Councillor Letnick/Seconded by Councillor Given

**R1254/05/12/19** THAT Council approve the proposed Residential and Industrial/Commercial/Institutional (ICI) Sewer rates as shown below:

	(Existing) 2005	(New) 2006
<b>Residential</b>		
- Flat Rate	\$ 14.20 / month	\$ 14.20 / month
<b>Commercial (I/C/I)</b>		
- Metered base rate (per month)	\$ 9.50	\$ 9.50
- All usage (per m <sup>3</sup> )	\$ 0.75 / m <sup>3</sup>	\$ 0.75 / m <sup>3</sup>
Parcel Tax (all serviced parcels)	\$ 50.00 /parcel /year	\$ 40.00 /parcel /year

AND THAT Council direct staff to prepare an amended Sewer Service Parcel Tax bylaw for approval.

Carried

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- 6.9 Wastewater Manager, dated December 13, 2005 re: Miscellaneous Local Area Service Project (Specified Area) Amendments (BL9539; BL9540; BL9541)

Moved by Councillor Blanleil/Seconded by Councillor Day

**R1255/05/12/19** THAT the following amendments to local area service projects be considered by Council:

- 1) THAT Bylaw No. 6440 be amended to add the following property to Sewer Specified Area No. 6 (Black Mountain and Toovey):

Lot D, Section 13, Township 26, ODYD, Plan KAP48770.

AND THAT the amending bylaw No. 9539, be advanced for reading consideration by Council;

AND THAT once included in Sewer Specified Area No. 6 (Black Mountain and Toovey), this parcel be subject to all fees and charges specified by the original Bylaw No. 6440;

- 2) THAT Bylaw 8929 - Sewer Specified Area No. 20 (North Rutland) be amended by:

(i) adding Lot A, Section 35 and 36, Township 26, ODYD, Plan KAP52361;

(ii) deleting Lot 5, District Lot 143, ODYD, Plan KAP45330;

AND THAT the amending bylaw No. 9540 be advanced for reading consideration by Council;

AND THAT once Lot A, Section 35 and 36, Township 26, ODYD, Plan KAP52361 is included in Sewer Specified Area No. 20 (North Rutland) this parcel be subject to all fees and charges specified by the original Bylaw No. 8929;

- 3) THAT Bylaw 8917 be amended to add the following property to Sewer Specified Area No. 30 (Acland Road):

Lot 2, Section 2, Township 23, ODYD, Plan 11263 except that part lying west of a line drawn parallel to and perpendicularly distant 102.50 feet from the west boundary of said lot;

AND THAT the amending bylaw No. 9541 be advanced for reading consideration by Council;

AND FURTHER THAT once included in Sewer Specified Area No. 30 (Acland Road), this parcel be subject to all fees and charges specified by the original Bylaw No. 8917.

Carried

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- 6.10 City Clerk, dated December 2, 2005 re: Local Area Service for Sanitary Sewer for Country Rhodes (3370-20)

Moved by Councillor Hobson/Seconded by Councillor Given

**R1256/05/12/19** THAT the petitions submitted between October and December 2005 by the residents of Country Rhodes strata development, at 6060 Spencer Road, 6100 Old Vernon Road, 6200 Spencer Road and 4545 Postill Drive, requesting the establishment of a Local Area Service for a sanitary sewer system, including the installation of a sewer main up to the strata property line along Spencer Road and a sewer connection pipe extended to the property line of the Country Rhodes strata development, be received;

AND THAT Council receive the Certificate of Sufficiency dated December 5, 2005 pertaining to the requested Country Rhodes Local Area Service;

AND FURTHER THAT the request be referred to the Wastewater Manager to be placed in its order of construction priority.

Carried

7. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

**(BYLAWS PRESENTED FOR FIRST THREE READINGS)**

Mayor Shepherd asked whether Council wished to consider items No. 7.1 to 7.5 in one resolution. Council agreed to consider all but agenda item No. 7.4 in one resolution.

- 7.1 Bylaw No. 9539 – Amendment No. 5 to Local Service Area (Sewer Specified Area) No. 6 Bylaw No. 6440 (Black Mountain and Toovey)

Moved by Councillor Hobson/Seconded by Councillor Rule

**R1257/05/12/19** THAT Bylaws No. 9539, 9540, 9541 and 9543 be read a first, second and third time.

Carried

- 7.2 Bylaw No. 9540 – Amendment No. 4 to Local Service Area (Sewer Specified Area) No. 20 Bylaw No. 8929 (North Rutland)

See resolution adopted under agenda item No. 7.1.

- 7.3 Bylaw No. 9541 – Amendment No. 2 to Local Service Area (Sewer Specified Area) No. 30 Bylaw No. 8917 (Acland Road)

See resolution adopted under agenda item No. 7.1.

- 7.4 Bylaw No. 9542 – Amendment No. 12 to City of Kelowna Electricity Regulation Bylaw No. 7639

Moved by Councillor Hobson/Seconded by Councillor Rule

**R1258/05/12/19** THAT Bylaw No. 9542 be read a first, second and third time.

Carried

Councillor Letnick opposed.

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- 7.5 Bylaw No. 9543 – Sewer Service Parcel Tax Bylaw No. 8924, Amendment No. 3

See resolution adopted under agenda item No. 7.1.

**(BYLAWS PRESENTED FOR ADOPTION)**

- 7.6 Bylaw No. 9515 – Amendment No. 2 to Kelowna Development Cost Charge Bylaw No. 9095

Moved by Councillor Hobson/Seconded by Councillor Day

**R1259/05/12/19** THAT Bylaw No. 9515 be adopted.

Carried

- 7.7 Bylaw No. 9531 – Amendment No. 14 to Sign Bylaw No. 8235

Moved by Councillor Blanleil/Seconded by Councillor Day

**R1260/05/12/19** THAT Bylaw No. 9531 be adopted.

Carried

8. COUNCILLOR ITEMS

- (a) Evaluation of Cost Benefits of Amalgamation with the Westside

Councillor Hobson suggested that the City seek funding from the province to evaluate the cost benefits of amalgamation, parallel to the work being done by the Westside with regard to the form of governance and the cost of delivering services to the west side of Okanagan Lake.

Moved by Councillor Hobson/Seconded by Councillor Day

**R1261/05/12/19** THAT staff prepare a report identifying the process for determining the costs of delivering City services on the Westside and providing an estimate of the cost to do so, with the expectation that funding will come from the Province.

Carried

- (b) Review of City Policy – Banks

Councillor Letnick enquired whether Council had any interest in reviewing the Zoning Bylaw limitation on the size of financial service establishments outside the downtown town centre if they do not have a larger branch in the downtown. There was no support for such a review.

- (c) Lake Access - McKinley Landing

Councillor Letnick commented that McKinley Landing residents have advised that their use of the lake access points in their neighbourhood is being impeded. Referred to City Manager.

- (d) Safety Concern – Lakeshore Road

Councillor Given asked that staff look at what can be done to improve traffic safety on Lakeshore Road toward Bertram Park. Referred to City Manager.

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9. TERMINATION

The meeting was declared terminated at 5:22 p.m.

Certified Correct:

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Mayor

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Deputy City Clerk

BLH/am